

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
SKYPORT GLOBAL	§	CASE NO. 08-36737-H4-11
COMMUNICATIONS, INC.,	§	(Chapter 11)
Debtor	§	
	§	

JOANNE SCHERMERHORN, JOHN K. WAYMIRE, CHET
GUTOWSKY, JOHN LLEWELLYN, JOSEPH A. LOPEZ,
ROBERT FOOTE, BLF PARTNERS, LTD., ECAL PARTNERS,
LTD., WHIZKID VENTURE, LLC, BELLA KRIEGER, MARTIN
POLLAK, GLOSTER HOLDINGS, LLC, MELVYN REISER,
BARRY KLEIN, CHESKEL KAHAN, JOHN A. REES, BRIAN W.
HARLE, MICHAEL STEIN, LAWRENCE SOLOMON, TRACY
ELSTEIN & DAVID TOGUT, JASON CHARLES TOGUT
TRUST, BMT GRANTOR TRUST, LYNN JOYCE ELSTEIN
TRUST, CHARLES STACK, JOSEPH BAKER, MOVADA, LTD.,
PUDDY, LTD., DRACO CAPITAL, INC., EDWARD PASCAL,
ROBERT MENDEL, STANLEY BERAZNIK, DON DUI, BEN
ARIANO, 3791068 CANADA, INC., PETER TAYLOR, JOHN E.
PANNETON, WAYNE C. FOX, DAVID CURRIE, BYRON
MESSIER, DARSHAN KHURANA, MATEO NOVELLI, DIYA
AL-SARRAJ, SEQUOIA AGGREESSIVE GROWTH FUND,
LTD., SEQUOIA DIVERSIFIED GROWTH FUND, LTD., RIG III
FUND, LTD., ARAN ASSET MANAGEMENT SA, SEMPER
GESTION SA, and EOSPHOROS ASSET MANAGEMENT, INC.
Plaintiffs

vs.

CENTURYTEL, INC. (a/k/a CENTURYLINK), CLARENCE
MARSHALL, R. STEWART EWING, JR., MICHAEL E.
MASLOWSKI, HARVEY P. PERRY, ROBERT KUBBERNUS,
BALATON GROUP, INC., BANKTON FINANCIAL
CORPORATION, BANKTON FINANCIAL CORPORATION, LLC,
CLEARSKY MANAGEMENT, INC., WILSON VUKELICH, LLP
and CLEARSKY INVESTMENTS, LP
Defendants

ADVERSARY NO. 10-3150

JURY TRIAL DEMANDED

CORRECTED MOTION FOR CONTEMPORANEOUS SETTING

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Now comes Plaintiffs¹ and hereby file this Motion for Settings. In support of the Motion, Plaintiffs respectfully request a hearing be set on the following matter:

1. Motion of the Plaintiffs for an Order Remanding or Alternatively to Abstain from Hearing this Adversary Proceeding, and for Sanctions [Docket #____] (“Motion to Remand”).

REQUESTED RELIF

1. By this motion, Plaintiffs request entry of an order setting a hearing on the Motion to Remand.

2. The Court has currently scheduled the Defendants’ [MOTION TO DISMISS] for May 27, 2010 at 9:00 a.m. .

3. As set forth in the moving papers, Plaintiffs Motion to Remand entails the same facts and legal arguments as contained in the Defendants’ [MOTION TO DISMISS] and the Plaintiffs’ Objection to Defendants’ Removal of the this Adversary Proceeding.

4. The Plaintiffs herby request that the hearing on the Motion to Remand be held concurrently with the hearing that has already been scheduled on May 27, 2010 at 9:00 a.m.. Consideration of the Motion to Remand is sought so as to be able to most efficiently address and adjudicate the [MOTION TO DISMISS] and Motion to Remand. In addition to aiding this Court’s efficiency, the parties will be able to coordinate discovery (if any) as well as conserve resources for travel and court appearances, as many of the Plaintiffs and Defendants are located out of the State of Texas, as well as out of the United States.

¹ Movants of this Motion are Joanne Schermerhorn, John K. Waymire, Chet Gutowsky, John Llewellyn, Joseph A. Lopez, Robert Foote, BLF Partners Ltd., ECAL Partners, Ltd., Whizkid Venture, LLC, Bella Krieger, Martin Pollack, George Metcalf, Gloster Holdings, LLC, Melvyn Reiser, Barry Klein, Cheskel Kahan, John A. Rees, Brian W. Harle, Michael Stein, Lawrence Solomon, Tracy Elstein & David Togut, Jason Charles Togut Trust, BMT Grantor Trust, Lynn Joyce Elstein Trust, Charles Stack, Joseph Baker, Movada, Ltd, Puddy, Ltd, Draco Capital, Inc., Edward Pascal, Robert Mendel, Stanley Beraznik, Don Bui, Ben Ariano, 3791068 Canada, Inc., Peter Taylor, John E. Panneton, Wayne C. Fox, David Currie, Byron Messier, Darshan Khurana, Mateo Novelli, Diya Al-Sarraj, Sequoia Aggressive Growth Fund, Ltd., Sequoia Diversified Growth Fund, Rig III Fund, Ltd., Aran Asset Management SA, Semper Gestion SA and Eosphoros Asset Management, Inc

NOTICE

5. Plaintiffs have caused of copy of this Motion to be served upon all of the parties to this Adversary Proceeding, by their counsel that have appeared in this case, as more fully listed on the attached certification of service. Plaintiffs will also serve each a copy of any Order entered with respect to this Motion. Plaintiffs submit that no other or further notice need be provided.

PRAYER

6. Based on the foregoing, Plaintiffs respectfully requests that this Court enter an order setting a hearing on the matters as set out herein and granting the Plaintiffs such other and further relief as is just and proper.

Dated: April 19, 2010

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I hereby certify that on ____, 2010, I conferred with [hugh ray] counsel for the Defendants
regarding the setting requested herein. Mr. Ray opposes the relief sought.

[name of counsel]